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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,439	09/08/2003	Imad Qashou	PG16044P1031US	1440

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EXAMINER

STACOVICI, STEFAN

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/657,439

Applicant(s)

QASHOU ET AL.

Examiner

Stefan Staicovici

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-6 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/8/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/2/04; 2/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, drawn to a molding process, classified in class 264, subclass 570.
  - II. Claims 4-6, drawn to a laminate, classified in class 442, subclass 328.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions Group I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process such as adhesive bonding an absorbent mat and an abrasive under heat and pressure.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Stephen Geomer on May 31, 2005 a provisional election was made with traverse to prosecute the invention of Group II, claims 4-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-3 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Specification***

6. The disclosure is objected to because of the following informalities: on page 2, line 2, after "polymer," --that-- should be inserted.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brock *et al.* (US Patent No. 4,041,203) in view of Albacarys *et al.* (US Patent No. 6,338,855).

Brock *et al.* ('203) teach the basic claimed nonwoven laminate (10) (wipe) having a first nonwoven layer (12) of thermoplastic polymeric microfibers (14) having a diameter of about 10

microns and a second layer (16) of randomly oriented thermoplastic filaments (18) having a diameter of about 12-55 microns (see col. 1, line 67 through col. 2, line 67 and col. 3, lines 3-10).

Regarding claims 4-5, although Brock *et al.* ('203) teach a two-layered non-woven laminate, Brock *et al.* ('203) do not teach an absorbent side and an abrasive side. Albacarys *et al.* ('855) teach a two-layered laminate having an abrasive side and an absorbent side (see col. 8, lines 47-61). Therefore, it would have been obvious for one of ordinary skill in the art to have provided an absorbent side and an abrasive side as taught by Albacarys *et al.* ('855) to the non-woven laminate of Brock *et al.* ('203) because, Albacarys *et al.* ('855) specifically teach that a two-layered laminate having an abrasive side and an absorbent side provides for an improved laminate because of increased functionality by having an abrasive side for exfoliation and a softer side for gentle cleansing.

In regard to claim 6, Brock *et al.* ('203) do not teach a cleansing agent. Albacarys *et al.* ('855) teach a two-layered laminate having a cleansing agent (see col. 3, lines 41-49). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a cleansing agent as taught by Albacarys *et al.* ('855) to the laminate (wipe) of Brock *et al.* ('203) because, Albacarys *et al.* ('855) teach that cleansing agent provides for an improved product by providing effective cleansing with less irritation and superior delivery of skin care actives.

9. Claims 4 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Derwent Abstract 1991-073939 in view of Brock *et al.* (US Patent No. 4,041,203).

Derwent Abstract 1991-073939 teaches the basic claimed laminate having an abrasive side (12) and an absorbent side (16), said abrasive side being a non-woven web of fiber material (see Abstract).

Regarding claims 4 and 5, although Derwent Abstract 1991-073939 teaches a non-woven web of fiber material, Derwent Abstract 1991-073939 does not teach fibers having a diameter of about 5-50 microns. Brock *et al.* ('203) teach a nonwoven laminate (10) (wipe) having a first nonwoven layer (12) of thermoplastic polymeric microfibers (14) having a diameter of about 10 microns and a second layer (16) of randomly oriented thermoplastic filaments (18) having a diameter of about 12-55 microns (see col. 1, line 67 through col. 2, line 67 and col. 3, lines 3-10). Therefore, it would have been obvious for one of ordinary skill in the art to have provided polymeric filaments having a diameter of about 12-55 microns as taught by Brock *et al.* ('203) to the non-woven web of fiber material of Derwent Abstract 1991-073939 because, Brock *et al.* ('203) teach that such filaments provide for increased tenacity, hence providing for an improved product and also because the invention of Derwent Abstract 1991-073939 requires a non-woven web of fiber material in order to function as described, whereas Brock *et al.* ('203) teach that a non-woven mat is formed by collecting thermoplastic filaments having a diameter of about 12-55 microns.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derwent Abstract 1991-073939 in view of Brock *et al.* (US Patent No. 4,041,203) and in further view of Albacarys *et al.* (US Patent No. 6,338,855).

Derwent Abstract 1991-073939 in view of Brock *et al.* ('203) teaches the basic claimed process as describe above.

Regarding claim 6, Derwent Abstract 1991-073939 in view of Brock *et al.* ('203) does not teach a cleansing agent. Albacarys *et al.* ('855) teach a two-layered laminate having a cleansing agent (see col. 3, lines 41-49). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a cleansing agent as taught by Albacarys *et al.* ('855) to the laminate (wipe) of Derwent Abstract 1991-073939 in view of Brock *et al.* ('203) because, Albacarys *et al.* ('855) teach that a cleansing agent provides for an improved product by providing effective cleansing with less irritation and superior delivery of skin care actives.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 1732

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

 6/9/05

Primary Examiner

AU 1732

June 9, 2005